IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

GLORIA MACHADO, AS NEXT	§	
FRIEND OF ANTHONY T. MACHADO	§	
and MANLIO AMAYA,	§	
INDIVIDUALLY, AS PERSONAL	§	
REPRESENTATIVE OF THE ESTATE	§	
OF IVAN A. AMAYA, DECEASED,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 3:18-CV-00282-L
	e	
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XPEDITE LOGISTICS, LLC, CRETE	8 §	
XPEDITE LOGISTICS, LLC, CRETE CARRIER CORPORATION D/B/A	8 8 8	
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CARRIER CORPORATION D/B/A	9 9 9 9 9	
CARRIER CORPORATION D/B/A SHAFFER TRUCKING, RONALD	9 8 8 8 8 8	
CARRIER CORPORATION D/B/A SHAFFER TRUCKING, RONALD ANTHONY BEASLEY, and JAMES	9 % & & & & & &	

ORDER

This personal injury action arising from a motor vehicle accident was originally filed on December 19, 2017, in the 14th Judicial District Court of Dallas County, Texas. On February 2, 2018, Defendant Crete Carrier filed a notice of removal in the Northern District of Texas. On January 9, 2019, the court notified the parties that it discovered deficiencies in Crete Carrier's Notice of Removal that led it to question whether it has subject matter jurisdiction over this removed action. (Doc. 28). In its Notice of Removal, Crete Carrier alleged diversity jurisdiction but, as the court explained, it failed to adequately set forth the diversity of citizenship of Defendants Xpedite Logistics, LLC, Ronald Anthony Beasley, and James Ely Jr. The court identified the specific deficiencies regarding these three Defendants, provided the standard for alleging citizenship, and gave Crete Carrier until January 23, 2019, to file an amended notice of removal to cure the deficiencies noted in the opinion. The court advised Crete Carrier that failure

to file an amended notice by the deadline would result in the *sua sponte* remand of this action to the state court from which it was removed for lack of subject matter jurisdiction. (Doc. 28 at 4).

In spite of the court's order, Crete Carrier failed to file the amended notice of removal by January 23, 2019. As Crete Carrier has failed to set forth the necessary allegations regarding the citizenship of the previously mentioned three Defendants, the court is unable to determine whether complete diversity exists between the parties and whether diversity jurisdiction exists. Because it is unable to conclude that diversity jurisdiction exists, the court *sua sponte* **remands** it to the 14th District Court of Dallas County, Texas, from which it was removed. The court **directs** the clerk of court to effect this remand in accordance with the usual procedure.

It is so ordered this 24th day of January, 2018.

Sam O. Lindsay

United States District Judge